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EXAMINER

STRANGE, AARON N

ART UNIT	PAPER NUMBER
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2448

NOTIFICATION DATE	DELIVERY MODE
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03/17/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 09/782,107	Applicant(s) LAZARIDIS ET AL.	
	Examiner AARON STRANGE	Art Unit 2448	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 29 December 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 90-95,97-102 and 105-108 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 90-95,97-102 and 105-108 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20110208</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 12/29/2010 have been fully considered but they are not persuasive.
2. With regard to claim 90, Applicant presents two principal arguments:
 - a. There is no teaching or suggestion that "optimizing" the reply configures the received message such that it is sent with the user's first address as its originating address (Remarks 13-17).
 - b. Eggleston does not inherently disclose that the reply mail item is configured such that the user's first address is configured as the reply mail item's originating address (Remarks 17-19).
3. Regarding argument a), the Examiner agrees that Eggleston's "optimizing" procedure does not disclose configuring the originating address of optimized reply messages as the user's first address. The optimizing process is simply a mechanism for reducing the amount of data sent via a wireless connection and has nothing to do with message addressing.
4. Regarding argument b), the Examiner respectfully disagrees, since one of ordinary skill in the art at the time the invention was made would have understood

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Eggelston's disclosure to necessarily include configuring reply messages with the user's mail box address as an originating address.

It is clear that the mobile client does not have independent e-mail functionality. Eggelston's system is centered on mobile clients accessing and interacting with a post office box containing a user's mail. All messages and replies are discussed in the context of a mobile device accessing a post office via a wireless virtual session as an alternative to accessing the post office via a LAN/WAN connection (col. 4, ll. 39-50).

When considering Eggelston's disclosure, as a whole, it is clear that a reply to a message originally send to a user's post office mail box will necessarily have the same post office mail box as its originating address. A "reply" message, as understood by one of ordinary skill in the art, is a message from the same address where the replied-to message was sent. A message from a different originating address is simply a new message that references the replied-to message, and is not a "reply" as understood in the art. There is simply no disclosure in Eggelston that suggests the reply mail item would contain an origination address of the specific client device accessing the post office box.

Therefore, despite Eggelston lacking explicit disclosure that the reply message has the user's mail box address as its originating address, one of ordinary skill in the art would have understood Eggelston to disclose such a feature in the disclosure discussing Figure 9.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 90-95, 97-102 and 105-108 rejected under 35 U.S.C. 103(a) as being unpatentable over Eggleston et al. (US 5,958,006) in view of Hall et al. (US 5,826,023) further in view of Murota (US 6,289,105).

7. With regard to claim 90, Eggleston discloses a method of redirecting information between a messaging host system and a wireless mobile data device that is associated with a computer connected over a network to the messaging host system, the method comprising:

receiving an indication at a redirector component indicating receipt of a mail item for a user from a sender by the messaging host system, wherein the mail item is addressed to a first address identifying a mailbox that is viewable by the user via the computer (redirector checks for new mail addressed to a user's post office box)(col. 6, ll. 59-63);

sending the mail item to the wireless mobile data device over a wireless network (mail is forwarded over the wireless network to the client) (col. 6, l. 66 to col. 7, l. 6);

receiving an reply mail item from the wireless mobile data device at the redirector component (col. 12, ll. 7-11 and 55-62).

The Examiner notes that Eggleston does not explicitly disclose that the reply message has the user's mail box address as its originating address. However, Eggleston discloses that reply messages are received by the communication server, the preceding message is retrieved by the server, and a delta routine is applied to reconstruct a replica of the reply message. It is clear that the mobile client does not have independent e-mail functionality. Rather, the host server provides the e-mail address and forwards e-mail to recipients who are unaware of any address from the mobile client. Therefore, despite explicit disclosure that the reply message has the user's mail box address as its originating address, one of ordinary skill in the art would have understood Eggleston to disclose such a feature in the disclosure discussing Figure 9.

Eggleston fails to specifically disclose that the mail item is packaged in an outer envelope when redirected via the wireless network or that the redirector is configured to remove the outer envelope of a mail item repackaged at and received from the mobile data communication device or that the mail item is encrypted during transmission.

Hall discloses a similar system for transporting an electronic mail message across different network types (Abstract). Hall teaches encapsulating an electronic mail created for transmission via a first network in outer envelopes for transmission over a second type of network (col. 2, l. 45 to col. 3, l. 8). Hall further discloses that the outer envelope is removed at either end of the tunnel and the message is processed as usual

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(col. 3, ll. 3-8). This would have been an advantageous addition to the system disclosed by Eggleston since it would have allowed the e-mail and reply messages to be created in the same format and simply tunneled over the wireless network using an outer envelope. This would have advantageously eliminating the need to convert messages between formats used by different networks.

Murota discloses a similar system for sending e-mail messages between a sender and a receiver, wherein a message is encrypted at the sending end, is then transmitted over the network to the receiving end, and is finally decrypted at the receiving computer (col. 1, ll. 23-48). Murota further discloses that such an encryption scheme is advantageous because it prevents leaks of secret information to outside, non-intended parties (Murota, col. 1, ll. 49-53).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to transmit the messages over the wireless network using an outer envelope to eliminate the need to convert message formats for communication over different network type and to encrypt the data items to prevent unauthorized parties from accessing the contents of the data items.

8. With regard to claim 91, Eggleston further discloses that the redirector component is operating on the messaging host system (redirector can be local or remote to messaging host system)(fig. 2; col. 4, ll. 57-61).

9. With regard to claim 92, Eggleston further discloses that the redirector component is operating on a host system that is coupled to the messaging host system via the network (redirector can be local or remote to messaging host system)(fig. 2; col. 4, ll. 57-61).

10. With regard to claim 93, Eggleston suggests compressing messages sent between the wired and wireless systems (col. 11, ll. 62-66). It was well known in the art at the time the invention was made that compressing messages could be used to increase available bandwidth and to provide faster and less expensive communications.

Given this knowledge, it would have been obvious to a person having ordinary skill in the art to compress the messages in the system taught by Eggleston, prior to transmission to the gateway, and to decompress the messages at the mobile device.

11. With regard to claim 94, Eggleston further discloses that the processing step further comprises encoding the copy of the mail item (messages are translated for transmission via the wireless network)(col. 11, ll. 1-3).

12. With regard to claim 95, the Examiner takes Official Notice that the Multipurpose Internet Mail Extensions protocol was widely known and used to communicate email messages between devices at the time of Applicant's invention.

Thus, it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to encode messages using the MIME protocol within AirMobile's

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system in order to communicate messages between devices using a known reliable protocol.

13. With regard to claim 97, Eggleston further discloses sending the repackaged mail item from the redirector component to the wireless mobile data device over the wireless network further comprises sending the repackaged mail item via a wireless gateway disposed between a wide area network and the wireless network (wireless communications are sent using access points 217-219) (col. 6, ll. 1-5).

14. With regard to claim 98, Eggleston further discloses storing the mail item at the data store associated with the messaging host system (mail is stores in a users post office box)(col. 6, ll. 59-61).

15. Claims 99-102 and 105-108 are rejected under the same rationale as claims 90-95, 97 and 98, since they recite substantially identical subject matter. Any differences between the claims do not result in patentably distinct claims and all of the limitations are explicitly or inherently taught by the above cited art.

Conclusion

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AARON STRANGE whose telephone number is (571)272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on 571-272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aaron Strange/
Primary Examiner, Art Unit 2448